



PATENT

Attorney Docket No. INVIT1140-3

AF
Fry

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fernandez et al. Art Unit: 1652
Application No.: 10/003,021 Examiner: Christian L. Fronda
Filed: November 14, 2001 Conf. No. 2174
Title: LIBRARIES OF EXPRESSIBLE GENE SEQUENCES

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL SHEET

Sir:

Transmitted herewith for the above-identified application please find:

- (1) Notice of Appeal (2 pages);
- (2) Check. No. 578294 in the amount of \$500.00; and
- (3) Return Receipt Postcard.

Check No. 578294 in the amount of \$500.00 is enclosed for the extension fee. However, the Commissioner is hereby authorized to charge any other fees that may be required by this paper to Deposit Account No. 07-1896. A duplicate copy of this Transmittal Letter is attached.

Respectfully submitted,

Lisa A. Haile, J.D., Ph.D.,
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

Date: June 28, 2005

DLA PIPER RUDNICK GRAY CARY US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer No. 28213

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on June 28, 2005, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stephanie Sharrett

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES

Attorney Docket No.:
INVIT1140-3



In re Application of:
Fernandez, et al.

Application No:
10/003,021

Filed:
November 14, 2001

For: LIBRARIES OF EXPRESSIBLE GENE
SEQUENCES

Group Art Unit: 1652

Examiner: C. Fronda

Applicants hereby appeal to the Board of Appeals from the decision dated December 30, 2004 of the Examiner rejecting claims 41-58.

1.	X	Appeal Fee (37 C.F.R. 1.17(b))	
	X	other than small entity	\$500.00
		small entity	\$250.00

2.		A petition and fee for an extension of time for reply to the rejection is attached.					
		Extension Fee (37 C.F.R. 1.17(a))					
		Other than small entity					
		\$120.00		\$450.00		\$1020.00	\$1,590.00
		Small entity					
		\$60.00		\$225.00		\$510.00	\$795.00

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500.00 OP

Applicants:

Fernandez, et al.

Application No.: 10/003,021

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3.	<input checked="" type="checkbox"/>	Enclosed is check number 578294 in the amount of \$500.00 for the Notice of Appeal fee. The Commissioner may charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 07-1896.
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June 28, 2005

Date

Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

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DLA PIPER RUDNICK GRAY CARY US LLP

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San Diego, California 92121-2189

CERTIFICATION UNDER 37 CFR 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, June 28, 2005, addressed to: Box AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Stephanie Sharrett

(Name of person mailing paper)

Signature

June 28, 2005

Date